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OFFICE OF PETITIONS

In re Application of
William D. Morgan
Application No. 08/828,330
Filed: March 28, 1997
Attorney Docket No. I-852-002

ON PETITION

This is a decision on the petition, filed March 17, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

A review of the record discloses that the application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed April 4, 2005. A Notice of Abandonment was mailed on November 23, 2005. In response, on March 17, 2006, the present petition was filed, as well as an Amendment and a Revocation and Power of Attorney.

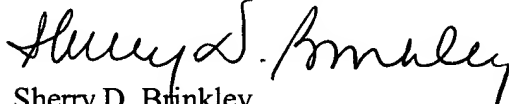
The Revocation and Power Attorney filed March 17, 2006 is **not** acceptable, since the Power of Attorney is from an assignee but the Certificate required by 37 CFR 3.73(b) does not include the Reel and Frame number of the assignment from the inventor of the application. However, in accordance with 37 CFR 1.34(a), the signature of Mark T. Garrett appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Garrett desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 3635 for consideration of the amendment and the petition to correct inventorship filed March 17, 2006.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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